In re Appln. of Virette et al.
Application No. 10/582,025
Response to Office Action of December 15, 2009

REMARKS

The following remarks are responsive to the Office Action of December 15, 2009 (*Office Action*). At the time of the *Office Action*, claims 1–29 were pending.

- **Claims 1, 6, and 11** were **objected** to based on various informalities;

- **Claims 25 and 26** were rejected under **35 U.S.C. § 101** as being directed to non-statutory subject matter;

- **Claims 1–16, 21–26, and 28–29** were rejected under **35 U.S.C. § 103(a)** as obvious over **Kolesnik** et al. (U.S. Patent No. 5,729,655, hereinafter Kolesnik) in view of **Jabri** et al. (U.S. Patent No. 7,254,533, hereinafter Kolesnik) and further in view of **Seo** et al. (NPL Document "A Novel Transcoding Algorithm SMV and G.723.1 Speech Coders via Direct Parameter Transformation", hereinafter Seo);

- **Claim 27** was rejected under **35 U.S.C. § 103(a)** as obvious over **Kolesnik** in view of **Jabri;** and

- **Claims 17–20** were rejected under **35 U.S.C. § 103(a)** as obvious over **Kolesnik** in view of **Jabri**, and further in view of **Seo** and further in view of **Aguilar** et al. (U.S. Patent No. 7,272,556, hereinafter Aguilar).

Applicants have amended claims 1, 6, 11, and 25 herein to address the above objections to the claims and 35 U.S.C. § 101 rejections. Applicants have also provided discussion below for addressing the Examiner's bases for objecting to and rejecting all the pending claims in the application.

OBJECTIONS TO CLAIMS 1, 6, AND 11

1. Applicants have amended claims 1, 6, and 11 to address the informalities noted by the Examiner.

In the *Office Action*, on p. 3, the Examiner noted a number of informalities and suggested corrections for addressing these. Applicants thank the Examiner for noting these informalities and have amended the claims in the manner suggested by the Examiner.

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Namely, claim 1 has been amended to replace "a common function unit" with "the common functional unit", and claims 6 and 11 have been amended to replace "up to" with "down to" in the limitations pertaining to the coder or functional unit with the lowest bit rate.

Since all of the issues serving as a basis for the Examiner's objections to these claims have been addressed in the manner suggested by the Examiner, Applicants respectfully request that the claim objections be withdrawn from the application.

35 U.S.C. § 101 REJECTION OF CLAIMS 25 AND 26

2. Applicants have amended claim 25 to recite a memory storing instructions for implementing by a processor unit a method for operating the system.

In the *Office Action*, on p. 3, the Examiner rejected claims 25 and 26 as being nonstatutory for being directed "more toward a non-statutory embodiment and not necessarily a hardware embodiment". Applicants thank the Examiner for suggesting that "the inclusion of a 'memory of a processor unit' will overcome this rejection". Accordingly, Applicants have amended claim 25 to recite "a memory storing instructions for implementing by a processor unit a method for operating the system". Claim 26 depends from claim 25, and therefore incorporates this memory element as well. Thus, Applicants respectfully submit that both claims 25 and 26 are directed toward statutory subject matter, and request that the 35 U.S.C. § 101 rejections of claims 25 and 26 be withdrawn.

35 U.S.C. § 103 OBVIOUSNESS OF CLAIMS 1–16, 21–26, AND 28–29 OVER KOLESNIK IN VIEW OF JABRI AND FURTHER IN VIEW OF SEO

In the *Office Action*, on pp. 4–7, the Examiner rejected claim 1 as being obvious over the combination of Kolesnik, Jabri, and Seo. Applicants traverse the rejection of claim 1, and assert that the combination of Kolesnik, Jabri, and Seo fail to teach or suggest all elements of claim 1.

3. The combination of Kolesnik, Jabri, and Seo fail to teach or suggest multiple compression coding as recited in claim 1.

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Claim 1 recites "providing a **multiple compression coding** via a plurality of coding techniques by the first coder and the second coder". In the rejection of claim 1, the Examiner relied on Kolesnik as teaching this element by stating that "Kolesnik, Fig. 2A and Fig. 4, show a parallel multi-mode coding scheme" in the *Office Action*, on p. 4. Applicants respectfully disagree with this characterization of Kolesnik's disclosure.

In multiple compression coding, a **same signal is encoded in parallel with several encoders**. Thus, the same signal is encoded using several coding techniques. In contrast, Kolesnik teaches a coder that comprises three different encoders which are not operated at the same time for encoding a same signal. Rather, Kolesnik teaches that **only one of the encoders is selected** to operate at a time. As the Examiner indicated in the *Office Action* on p. 4, Kolesnik shows a comparator and controller 210 to select the mode of the encoder. Furthermore, Jabri also does not teach or suggest multiple compression coding. In column 6, lines 2-4, Jabri teaches "[t]he encoder system 210 can encode the input voice samples into **one of several** CELP voice compression formats".

Additionally in the rejection of claim 1, Jabri was relied on as teaching a first and second functional unit for performing common operations (*Office Action*, p. 5). Applicants respectfully disagree with this characterization of Jabri's disclosure. The fact that different codecs used by the coder disclosed by Jabri share particular parameters does not teach or suggest the claimed first and second functional units for performing common operations. **As claimed, the operations are common** with respect to the fact that there are several parallel coding processing taking place. In contrast, **Jabri's coder merely shares parameters** for compressions that are not taking place at the same time. As one of ordinary skill would recognize, operations may use parameters, but are not equivalent to parameters, and thus parameters are not equivalent to operations. One or ordinary skill would recognize that completely separate operations may share parameters. Thus, even when combining the teachings of Kolesnik and Jabri, one of ordinary skill in the art still would not arrive at **multiple compression coding** as recited in claim 1.

Additionally, Seo also does not teach or suggest multiple compression coding. Seo discloses a speech coder that operates at **different bit rates**, but Seo does not disclose the **coding in parallel of a same signal**. The fact that Seo selects the rate to use according to a

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classification of frames of the signal does not teach or suggest adapting the rate of parallel coders in multiple compression coding at least because Seo does not disclose the use of parallel coders.

For at least these reasons, Applicants submit that claim 1 is novel and nonobvious over the art of record, and respectfully requests that the rejection under 35 U.S.C. § 103 be withdrawn and that claim 1 be allowed.

Claims 2–23 and 28 depend from independent claim 1. Thus, Applicants submit that claims 2–23 and 28 are novel and nonobvious over the art of record for at least the same reasons as those provided for claim 1. Applicants respectfully request that the rejections under 35 U.S.C. § 103 be withdrawn and that claims 2–23 and 28 be allowed.

Claim 24 is directed to a computer program product comprising instructions for implementing a multiple coding method in which first and second coders comprise at least a first and a second functional unit arranged for performing common operations. Thus, Applicants submit that claim 24 is novel and nonobvious over the art of record for at least the same reasons as those provided for claim 1. Applicants respectfully request that the rejection under 35 U.S.C. § 103 be withdrawn and that claim 24 be allowed.

Claim 25 was "rejected for the same reasons as claim 24 for having similar limitations" (*Office Action*, p. 23). Thus, Applicants submit that claim 25 is novel and nonobvious over the art of record for at least the same reasons as those provided for claim 24. Applicants respectfully request that the rejection under 35 U.S.C. § 103 be withdrawn and that claim 25 be allowed.

Claim 26 depends from claim 25. Thus, Applicants submit that claim 26 is novel and nonobvious over the art of record for at least the same reasons as those provided for claim 25. Applicants respectfully request that the rejection under 35 U.S.C. § 103 be withdrawn and that claim 26 be allowed.

Claim 29 is directed to a multiple compression coding method comprising, *inter alia*, "executing, via a processor unit, said common functions only one time for the input signal for at least some of the coders in a common calculation module". Thus, Applicants submit that claim 29 is novel and nonobvious over the art of record for at least the same reasons as those

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provided for claim 1. Applicants respectfully request that the rejection under 35 U.S.C. § 103 be withdrawn and that claim 29 be allowed.

35 U.S.C. § 103 OBVIOUSNESS OF CLAIM 27 OVER KOLESNIK IN VIEW OF JABRI

Claim 27 recites "providing a multiple compression coding via a plurality of coding techniques. . .", which is similar to the element discussed above with respect to claim 1. Thus, Applicants submit that claim 27 is novel and nonobvious over the art of record for at least the same reasons as those provided for claim 1. Applicants respectfully request that the rejection under 35 U.S.C. § 103 be withdrawn and that claim 27 be allowed.

35 U.S.C. §103(A) OBVIOUSNESS OF REMAINING CLAIMS 17–20 OVER KOLESNIK, IN VIEW OF JABRI AND FURTHER IN VIEW OF SEO AND FURTHER IN VIEW OF AGUILAR

Claims 17–20 depend from independent claim 1. Thus, Applicants submit that claims 17–20 are novel and nonobvious over the art of record for at least the same reasons as those provided for claim 1. Applicants respectfully request that the rejections under 35 U.S.C. § 103 be withdrawn and that claims 17–20 be allowed.

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Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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